

Env-Wm 401.03 Exemptions.

{no changes to paragraphs (a) - (g)}

(h) For the purposes of (b)(20) above, containers and inner liners shall be deemed empty under the following conditions:

- (1) For those containers or inner liners which have held hazardous waste, except for compressed gas or acute hazardous waste identified in Env-Wm 402.04, when:
 - a. All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, such as pouring, pumping, and aspirating; and
 - b. No more than one inch of residue remains on the bottom of the container or inner liner;
 - c. No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size; or
 - d. No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size;
- (2) For those containers which have held a hazardous waste that is a compressed gas, when the pressure in the container approaches atmospheric pressure;
- (3) For those containers or inner liners which have held acutely hazardous waste, when:
 - a. The containers or inner liner have been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;
 - b. The container or inner liner has been cleansed by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or
 - c. In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

{no changes to paragraphs (i) - (j)}

Env-Wm 507.03 Packaging/Labeling/Pre-transport.

{no changes to paragraph (a)}

(b) Before transporting or offering hazardous waste for transportation off-site, the generator shall:

- (1) Package the waste in DOT containers as specified in 49 CFR 173, 178, and 179, 10-1-05 edition;
- (2) Mark and label each container in accordance with the applicable US DOT regulations on

hazardous materials under 49 CFR Part 172, 10-1-05 edition; and

(3) Mark each container of 119 gallons or less used in such transportation in accordance with the requirements of 49 CFR Part 172, 10-1-05 edition by including:

a. The following information:

1. The generator's name and address; and
2. The manifest tracking number; and

b. The following statement:

"HAZARDOUS WASTE Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency".

(c) Before transporting or offering hazardous waste for transportation off-site, the generator shall determine:

- (1) That the transporter possesses a current and valid New Hampshire hazardous waste transporter registration and has been issued an EPA identification number; and
- (2) That each vehicle is placarded in accordance with DOT regulations for hazardous materials under 49 CFR 172, subpart F, 10-1-05 edition, and rules adopted by the New Hampshire department of safety; or
- (3) If placards are not required, that each vehicle is marked in accordance with 49 CFR 171.3(b)(1), 10-1-05 edition.

Env-Wm 510.01 General Requirements. When shipping a hazardous waste off-site, a generator shall prepare a manifest in accordance with 40 CFR 262 Subpart B, 7-1-05 edition.

Env-Wm 510.02 Manifest Copy Distribution and Signatory Requirements.

- (a) The generator shall ensure that at least 7 copies of the manifest are available for distribution.
- (b) The generator shall sign and date by hand the certification on the first copy of the manifest form and shall ensure that the signature imprint and date are legible on all copies.
- (c) The generator shall obtain the date of acceptance and handwritten signature of the initial transporter.
- (d) The generator shall:
 - (1) Retain one copy of the manifest with signatures as described in (b) and (c), above; and
 - (2) Forward one copy of the manifest with signatures as described in (b) and (c), above, to:
 - a. The destination state if required by that destination state; and

b. The department within 5 days of shipment.

(e) The generator shall provide 5 copies of the manifest to the transporter to accompany the shipment.

Env-Wm 510.03 Manifest Information. The manifest shall contain all of the following information:

(a) All of the information required in the Appendix to 40 CFR Part 262, 7-1-05 edition; and

(b) For manifest item 13:

(1) The waste code "NHX1" for wastes that are destined for recycling and are exempt from the hazardous waste clean up fee according to RSA 147-B:9, III;

(2) The waste code "NHX2" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, VI;

(3) The waste code "NHX3" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, IV;

(4) The waste code "NHX4" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, I;

(5) The waste code "NHX5" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, II; and

(6) The waste code "NHX6" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, V.

Env-Wm 510.06 International Shipments. Notwithstanding any other provisions of the hazardous waste rules, all generators importing or exporting hazardous waste shall meet the requirements of 40 CFR 262 Subparts E and F, 7-1-05 edition.

Env-Wm 511.01 Delivery.

(a) A generator shall not offer hazardous waste to a transporter or a facility that has not obtained an EPA identification number.

(b) Except as provided in (e), below, a generator shall deliver the hazardous waste to a facility authorized under the destination state's rules to handle the hazardous waste.

(c) Except as provided in (f), below, if the generator does not receive a copy of the manifest from the operator of the receiving facility within 45 days of shipment, the generator shall contact the operator to determine the status of the hazardous waste shipment. If the generator is unable to contact the operator, then the generator shall contact the transporter.

(d) If the generator does not receive a copy of the manifest with the hand-written signature of the operator of the designated facility, then the generator shall submit an exception report to the department within 60 days of shipment.

(e) Exception reports submitted pursuant to (d), above shall include:

(1) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(f) Small quantity generators may transport 55 gallons or less of hazardous waste generated at their site to:

(1) A site that meets the conditions of Env-Wm 501.02(c);

(2) A one day household hazardous waste collection event sponsored by a government entity if:

a. The waste is given directly to a New Hampshire registered hazardous waste transporter during the collection event; and

b. Permission is obtained in advance from the government entity sponsoring the collection event; or

(3) A facility authorized under the destination state's rules to handle the waste.

Env-Wm 511.02 Inability to Deliver.

{no changes to paragraph (a)}

(b) If a waste shipment is returned, the generator shall:

(1) Ensure that the manifest is completed in accordance with Env-Wm 704.01(b) and (c);

(2) Sign:

a. Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

b. Item 20 of the manifest, if the transporter returned the shipment using a new manifest; and

(3) Comply with the applicable storage requirements of Env-Wm 500.

{no changes to paragraph (c)}

Env-Wm 512.02 Quarterly Reporting.

{no changes to paragraphs (a) - (f)}

(g) Quarterly activity reports shall include the following:

- (1) Reporting quarter;
- (2) Name, mailing address, site location, and EPA identification number of the generator;
- (3) Weight in pounds of the hazardous waste manifested during the reporting quarter, summarized by manifest tracking number and EPA or state waste number;
- (4) Weight in pounds of the quarter's manifested hazardous waste that was exempted from fees as specified in (l), below;
- (5) For wastes resulting from the remediation of contaminated properties which are claiming the exemption in RSA 147-B:9, IV from the hazardous waste cleanup fund fees, a brief description of the efforts undertaken to remediate the contaminated property, including the details of the eligibility criteria found in RSA 147-B:9, IV, shall be accepted in lieu of the fee payment due to the State of New Hampshire;
- (6) Fee payment due to the state of New Hampshire; and
- (7) Certification of the accuracy of the report by a responsible company official.

{no changes to paragraphs (h) - (i)}

(j) Fees required by RSA 147-B:8 and 147-B:9 shall be assessed based on the weight of hazardous wastes calculated from information written on the generator's manifests.

{no changes to paragraphs (k) - (m)}

Env-Wm 604.01 General Requirements.

{no changes to paragraph (a)}

(b) The transporter shall not accept hazardous waste without an accompanied manifest signed and completed by the generator in accordance with Env-Wm 510.01, Env-Wm 510.02, and Env-Wm 510.03.

{no changes to paragraphs (c) - (g)}

Env-Wm 604.04 International Shipments.

(a) A transporter shall not accept hazardous waste intended for export if the transporter knows the shipment does not conform to the EPA acknowledgment of consent, unless:

- (1) For exports that are not subject to 40 CFR 262 Subpart H, the transporter ensures that the hazardous waste is accompanied by an EPA acknowledgment of consent attached to the

manifest or shipping paper in accordance with 40 CFR 263.30(a)(2), 7-1-05 edition; or

(2) For exports that are subject to 40 CFR 262 Subpart H, the transporter ensures that the waste is accompanied by a tracking document that includes all information required by 40 CFR 262.84, 7-1-05 edition.

(b) Transporters who transport hazardous waste out of the United States shall:

(1) Sign and date the manifest in the international shipments block to indicate the date the hazardous waste left the United States;

(2) Retain one copy of the manifest in accordance with Env-Wm 607.04;

(3) Return a signed copy of the manifest to the generator, the generator state, and the destination nation; and

(4) Give a copy of the manifest to the U.S. customs official at the point of departure from the United States.

Env-Wm 606.02 Inability to Deliver. If a transporter is unable to deliver all or part of a hazardous waste shipment, the transporter shall:

(a) Contact the generator;

(b) Return the hazardous waste to the generator or deliver the hazardous waste to an alternate permitted facility designated by the generator; and

(c) Comply with 40 CFR 263.21, 7-1-05 edition.

Env-Wm 703.01 General Manifest Requirements.

(a) Upon receipt of a hazardous waste accompanied by a manifest, the operator or a responsible agent of the designated facility shall comply with 40 CFR 264.71, 7-1-05 edition.

(b) Within 30 days of signing the manifest, the operator or a responsible agent, shall send a copy of the manifest to the generator, the generator state, and the destination state.

Env-Wm 703.02 Manifest Errors/Discrepancies.

(a) The operator or a responsible agent shall:

(1) Initial and date any corrections to the manifest or, if the manifest has not been received, to the shipping paper, ensuring that any corrections are legible on each copy; and

(2) Comply with the manifest discrepancy requirements of 40 CFR 264.72, 7-1-05 edition.

{no changes to paragraph (b)}

(c) The operator shall notify the department in writing of any discrepancies not previously corrected on the manifest. Such notice shall include a copy of the manifest or a reference to the generator name, date of shipment and manifest tracking number.

Env-Wm 703.04 International Shipments. Notwithstanding any other provisions of the hazardous waste rules, all facilities importing or exporting hazardous waste shall meet the requirements of 40 CFR 262 Subparts E and F, 7-1-05 edition and 40 CFR 264.71(a)(3), 7-1-05 edition.

Env-Wm 704.01 Rejected Shipments. If the operator rejects all or part of a hazardous waste shipment or identifies a container residue that exceeds the quantity limits for empty containers set forth in Env-Wm 401.03(h), the operator shall:

- (a) Contact the generator;
- (b) Comply with 40 CFR 264.72(d) through (j), 7-1-05 edition; and
- (c) Send a copy of the new or amended manifest and the original manifest to the department within 30 days of the rejection.

Env-Wm 705.01 Recordkeeping.

{no changes to paragraph (a)}

- (b) The following information shall be recorded by the operator as it becomes available:
 - (1) A copy of each shipping document and manifest for at least 3 years from the date of delivery;
 - (2) A description and the quantity of each hazardous waste shipment received, treated, stored, or disposed of at the facility, including:
 - a. The waste's common name;
 - b. If listed in Part Env-Wm 402 or a characteristic waste under Env-Wm 403, the waste's hazardous waste number or numbers;
 - c. The waste's physical form, such as liquid, sludge, solid, or contained gas;
 - d. If not listed in Env-Wm 402, the process that produced the waste;
 - e. The estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in 40 CFR 264 Appendix I, Table 1, 7-1-05 edition; and
 - f. The method(s) by handling code(s) as specified in 40 CFR 264 Appendix I, Table 2,

7-1-05 edition, and date(s) of receipt, treatment, storage, or disposal;

- (3) A copy of each quarterly and annual activity report for 3 years;
- (4) The method, location, and date of treatment, storage, and disposal;
- (5) The location of each hazardous waste within the facility and the quantity at each location, including:
 - a. For disposal facilities, the location and quantity of each hazardous waste, recorded on a map or diagram of each cell or disposal area; and
 - b. For all facilities, cross-references to specific manifest tracking numbers, if the waste was accompanied by a manifest;
- (6) Monitoring, testing and analytical data as required by Env-Wm 707 and Env-Wm 708, and for the post-closure care period for disposal facilities;
- (7) An operating log that specifies:
 - a. The time and date of facility inspections;
 - b. The inspector's name;
 - c. Notation of observation;
 - d. Dates and nature of maintenance; and
 - e. Remedial actions taken;
- (8) Records of all abnormal events, including:
 - a. Actions requiring contingency plan implementation;
 - b. Explanations of manifest discrepancies;
 - c. Description of unmanifested wastes received; and
 - d. Any unplanned releases of hazardous waste to the environment;
- (9) Adjustments to plans submitted;
- (10) Adjustments and calculations of closure and for disposal facilities, post-closure cost estimates prepared in accordance with Env-Wm 707.02(a)(11) or Env-Wm 708.02(a)(12);
- (11) Records of the dates and designation of all hazardous wastes or those wastes rendered not hazardous that are shipped off-site for further treatment, storage, or disposal;
- (12) For off-site facilities, notices to generators as required by Env-Wm 708.02(a)(1);
- (13) Records of corrective action as required by Env-Wm 708.02(a)(11) and for disposal facilities, for the full post-closure period; and

(14) A certification by the permittee, no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that he/she generates to the degree determined by the permittee to be economically practicable, and the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.

{no changes to paragraphs (c) - (d)}

APPENDIX

Rule Section(s)	State/Federal Statute(s)/ Regulation(s) Implemented
Env-Wm 401.03 (h)	RSA 147-A:3, I; 40 CFR 261.7
Env-Wm 507.03(b) and (c)	RSA 147-A:3, III and IV; 40 CFR 262.32 and 262.33
Env-Wm 510.01 - .03	RSA 147-A:3, IV and V, RSA 147-B:7-9; 40 CFR 262 Subpart B and the Appendix to 40 CFR 262
Env-Wm 510.06	RSA 147-A:3, IV and V; 40 CFR 262 Subparts E and F
Env-Wm 511.01	RSA 147-A:3, IV and V
Env-Wm 511.02(b)	RSA 147-A: 3, III-VI; 40 CFR 262.34
Env-Wm 512.02(g),(j)	RSA 147-A-3, V and VI, RSA 147-B:7-9
Env-Wm 604.01(b)	RSA 147-A:3, IV and V; 40 CFR 263 Subpart B
Env-Wm 604.04	RSA 147-A:3, IV and V; 40 CFR 263 Subpart B
Env-Wm 606.02	RSA 147-A:3, IV and V; 40 CFR 263 Subpart B
Env-Wm 703.01	RSA 147-A:3, IV and V; 40 CFR 264 Subpart E
Env-Wm 703.02(a), (c)	RSA 147-A:3, V and VI; 40 CFR 264 Subpart E
Env-Wm 703.04	RSA 147-A:3, IV and V; 40 CFR 264 Subpart E
PART Env-Wm 704	RSA 147-A:3, IV and V; 40 CFR 264 Subpart E
Env-Wm 705.01(b)	RSA 147-A:3, III and VI; 40 CFR 264 Subpart E